

# CALIFORNIA LEGISLATURE—ASSEMBLY.

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## THIRTY-SEVENTH (SECOND EXTRA) SESSION.

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### IN ASSEMBLY.

ASSEMBLY CHAMBER,

Saturday, November 23, 1907.

The Assembly met at one o'clock P. M., in pursuance to the proclamation of His Excellency, James N. Gillett, Governor of the State of California, dated the twenty-third day of November, 1907.

Hon. Robert L. Beardslee, Assemblyman from the Twenty-third District, and Speaker of the Assembly, in the chair.

### ANNOUNCEMENT.

Hon. Clio Lloyd, Chief Clerk, announced that in pursuance to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Thirty-seventh (extra) session of the Legislature were present and in their respective positions: Clio Lloyd, Chief Clerk; H. A. Harper, Minute Clerk; and John T. Stafford, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

### PRAYER.

The opening prayer was offered by Rev. W. F. Reager of Sacramento, California.

### READING OF GOVERNOR'S PROCLAMATION.

The Speaker directed the Chief Clerk to read the Governor's proclamation.

The following was read:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE  
IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA, }  
EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen and now existing, requiring the Legislature of the State of California to convene:

NOW, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, article five of the Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, Saturday, November twenty-third, nineteen hundred and seven, at one o'clock P. M. for the purpose of taking legislative action upon the following subject, to wit:

To approve proposed amendments to the Charter of the City and County of San Francisco, State of California, as follows:

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon upon certain terms and conditions."

Charter Amendment No. 8, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities: relating to the acquisition of lands for water purposes, and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9" relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos 1 to 19 inclusive of Chapter III of Article VI of said Charter and by adding new sections to said Chapter of said Article of said Charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1, of Chapter III of Article VII thereof, relating to the leasing of real property of the school department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new Article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a playground commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employes of the Department of Electricity."

The same having been ratified by a majority of the qualified electors of the City and County of San Francisco, at a general election held therein on Tuesday, November 5, 1907.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, at Sacramento, this twenty-third day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

[SEAL]

ATTEST:

C. F. CURRY,  
Secretary of State.

J. N. GILLETT,  
Governor of the State of California.

#### RESOLUTION.

The following resolution was offered:

By Mr. John:

*Resolved*, That the following persons be and they are hereby elected as officers of the Assembly, with per diem as fixed by statute:

Hon. Robert L. Beardslee, Speaker.  
Hon. J. P. Transue, Speaker pro tem.  
Clio Lloyd, Chief Clerk.  
T. G. Walker, Assistant Clerk.  
W. H. Wright, Assistant Clerk.  
H. E. Miller, Assistant Clerk.  
H. A. Harper, Minute Clerk.  
John T. Stafford, Sergeant-at-Arms.  
R. L. Dempsey, Journal Clerk.  
R. J. Kenefick, Enrolling and Engrossing Clerk.  
W. F. Reagor, Chaplain.

Also: E. J. Smith, Assistant Clerk.  
Ralph A. Sollars, Stenographer.  
Mark Senna, Messenger to Printer.  
William Sitton, Messenger to Printer.  
Robina Alexander, Assistant Enrolling and Engrossing Clerk.  
C. W. Haub, Bookkeeper to Sergeant-at-Arms.  
F. Hilderbrand, Watchman.  
W. Greenlaw, Porter.  
J. McNiff, Watchman.  
W. J. Gribbin, Porter.

G. Hilbert, Watchman.  
 H. Smith, Porter.  
 F. C. Trainor, Watchman.  
 A. J. Cottle, Watchman.  
 P. Stortz, Porter.  
 O. J. Pierce, Watchman.  
 J. Brightman, Watchman.  
 H. Dunn, Messenger.  
 Geo. Avery, Watchman.  
 R. Herndon, Watchman.  
 C. Schenk, Porter.  
 J. Hauser, Porter.  
 J. Kofod, Porter.  
 J. T. Kelley, Porter.  
 H. E. Wenke, Porter.  
 D. Delano, Porter.  
 M. Coffield, Postmistress.  
 B. Haggerty, Page.  
 L. Williams, Page.  
 D. Sprague, Page.  
 Ed. Fitzgerald, Page.  
 J. Hanna, Page.  
 F. Branch, Page.

Also: The following named persons are hereby employed in the position and at the per diem set opposite their names respectively:

F. L. Bradshaw, Mail Carrier, at \$3 per diem.  
 Ed. Hammond, Hat Room Attendant, at \$3 per diem.  
 F. Madeley, Hat Room Attendant, at \$3 per diem.

*And be it further resolved*, That the Controller of State be and he is hereby directed to draw his warrants in favor of the above mentioned persons, and the State Treasurer is hereby directed to pay such warrants for and at the fixed per diem.

*Resolved*, That all officers, attachés, and employés, whose names do not appear on the above report or in the foregoing resolution, are hereby dismissed and their names stricken from the payroll.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Strohl, Strobbridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessing, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

NOES—None.

Whereupon, the Speaker declared the above named duly elected officers of the Assembly for the second extra session of the Thirty-seventh Legislature.

#### OATH OF OFFICE.

The afore-named officers (elect) of the Assembly, excepting the Chaplain, presented themselves at the bar of the Assembly and each took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, according to the best of my ability.

#### RESOLUTIONS—(RESUMED).

By Mr. Leeds:

*Resolved*, That until further order the Standing Rules of this Assembly at its last regular session be and the same are hereby adopted as the rules of this session, and the committees appointed at the last regular session shall remain as the committees of this special session, provided that all vacancies shall be filled by appointment by the Speaker.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

**NOES**—Messrs. Bell, Case, Forbes, and Johnson of Sacramento—4.

By Mr. Hartmann:

*Resolved*, That a select committee of three be appointed by the Speaker to act with a like committee from the Senate, to wait upon the Governor and inform him that the two houses of the Legislature are in session, and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution he appointed Messrs. Hartmann, Held, and Bishop as such committee.

By Mr. Stanton:

*Resolved*, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated Saturday, November 23, 1907, and ready for the transaction of legislative business, with the following officers, to wit:

Speaker—R. L. Beardslee.

Speaker pro tem.—J. P. Transue.

Chief Clerk—Cho Lloyd.

Sergeant-at-Arms—John T. Stafford.

Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.

Journal Clerk—R. L. Dempsey.

Minute Clerk—H. A. Harper.

Chaplain—W. F. Reagor.

Resolution read, and on motion adopted.

#### SENATE MESSAGES.

The following messages from the Senate were taken up and read, unanimous consent having been obtained for their consideration:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted the following resolution:

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized, with the following officers, and ready to proceed to the business of the State.

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER. I am directed to inform your honorable body, that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

LEWIS A. HILBORN, Secretary of Senate.  
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 1 referred to San Francisco Delegation.

## RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Mr. Transue:

*Resolved*, That H. A. Harper, Minute Clerk of the Assembly, be and he is hereby directed to remain after the adjournment of this second extra session of the Assembly for the purpose of completing the work of the second extra session of the thirty-seventh Assembly, and that he be allowed the sum of eighteen dollars in payment of said services, and the Controller is hereby directed to draw his warrant in favor of said H. A. Harper on the proper fund for said amount of eighteen dollars, and the State Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratesa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—Mr. Beban—1.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907

MR. SPEAKER: The San Francisco Delegation, to whom was referred Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STROHL, Chairman.

## CONSIDERATION OF CONCURRENT RESOLUTION.

Mr. Strohl moved that Senate Concurrent Resolution No. 1 be forthwith taken up for consideration.

Motion carried.

## SENATE CONCURRENT RESOLUTION NO. 1.

Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has been ever since the eighth day of January in the year one thousand nine hundred, and is now organized and acting under a Freeholders' Charter, adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which Charter was not amended within an interval of two years immediately prior to the Fifth day of November, one thousand nine hundred and seven; and

WHEREAS, The legislative authority of said City and County, namely the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco, twenty-one certain amendments to the Charter of said City and County of San Francisco, by the submission of twenty-one proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending Sections 10 and 12 of Article XII, and Section 29 of Article XVI thereof, relating to bonds issued for the acquisition of public utilities and the character of such bonds, the registration thereof, and the levy of taxes to provide for the interest thereon and a sinking fund therefor, and to bonds issued for the acquisition of land or lands and the construction or acquisition of any permanent building or buildings, improvement or improvements, and the character and registration of such bonds and the proceedings for the issuance thereof."

Charter Amendment No. 2, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 4, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article IV thereof, relating to the custody by the Treasurer of public funds and authorizing their deposit in certain banks upon certain terms and conditions."

Charter Amendment No. 5, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County, and bonds to be given in connection with the same, and the character, terms and conditions of such contracts and permitting progressive payments to be provided for thereon, upon certain terms and conditions."

Charter Amendment No. 6, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 8, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapters 8, 4 and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof."

Charter Amendment No. 9, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter, and by adding new sections to said Chapter of said Article of said Charter to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of Cali-

fornia, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1 of Chapter III of Article VII thereof, relating to the leasing of real property of the School Department."

Charter Amendment No. 15, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 16, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article II thereof, relating to official advertising."

Charter Amendment No. 17, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II, of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled—"Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a Playground Commission."

Charter Amendment No. 19, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 20, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter V of Article VIII, and Section 1 of Chapter VI of Article VIII, thereof, relative to the salaries of members of the Police Department."

Charter Amendment No. 21, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity"; and

WHEREAS, Said twenty-one proposals aforementioned containing said proposed amendments to said Charter were, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the official newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Resolution No. 1308 (New Series) of the Board of Supervisors, passed September 16, 1907, instruct the Board of Election Commissioners of said City and County to place upon the ballot at a general municipal election to be held in said City and County of San Francisco on the Fifth day of November, One Thousand Nine Hundred and Seven, the said twenty-one several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Fifth day of November One Thousand Nine Hundred and Seven, which day was more than forty days after said proposed amendments had been published for Twenty days in "The Evening Post" newspaper; and

WHEREAS, On the Eleventh day of November One Thousand Nine Hundred and Seven and thereafter, at meetings duly convened in accordance with law, and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said general municipal election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County; and

WHEREAS, At said general municipal election so held on the Fifth day of November One Thousand Nine Hundred and Seven, twenty of said proposed amendments were ratified by a majority of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors; and

WHEREAS, Thereafter, to wit, on the Fifteenth day of November One Thousand Nine Hundred and Seven, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of Votes polled at the General



Municipal Election held in the City and County of San Francisco, State of California, on Tuesday, the Fifth day of November, A. D. 1907, for Charter Amendments \* \* \* and also filed a duplicate thereof in the Office of the Secretary of State of California; and

WHEREAS, The Governor of the State of California by virtue of the power and authority vested in him by Section Nine Article Five of the Constitution of the State of California convened the Legislature to meet and assemble in extraordinary session on Tuesday, the Nineteenth day of November, A. D. 1907, for the purpose among other things, of taking legislative action upon four of said amendments to the Charter of the City and County of San Francisco, namely: that Numbered One, relating to municipal bonds, that Numbered Four, relating to deposits of public funds in banks, that Numbered Eight, relating to salaries and vacations of members of the Fire Department; and that Numbered Twenty, relating to salaries of members of the Police Department, and

WHEREAS, Said four amendments were presented to the Legislature of the State of California convened in extraordinary session as aforesaid, and were approved by said Legislature in the manner required by law; and

WHEREAS, The Governor of the State of California on the twenty-third day of November, A. D., 1907, again convened the Legislature to meet in extraordinary session on the twenty-third day of November, A. D. 1907, for the purpose of taking legislative action upon the sixteen amendments to the Charter of the City and County of San Francisco hereinafter set forth, which amendments although ratified by the electors of said City and County on the Fifth day of November, A. D., 1907, were not included in the Proclamation of said Governor convening the Legislature in extraordinary session on the Nineteenth day of November A. D. 1907, and

WHEREAS, The said sixteen amendments so ratified by the electors of the City and County of San Francisco at said General Municipal Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

That Chapter I of Article II of said Charter be amended by adding thereto a new section to be numbered Section 23, and to read as follows:

SECTION 23. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 30 per centum of the entire vote cast at the election at which the officer sought to be removed was elected demanding the election of a successor to the person sought to be removed, shall be filed with the Board of Election Commissioners; *provided*, that the petition sent to the Board of Election Commissioners shall contain a general statement of the grounds for which the removal is sought. The petition shall be presented, and the signatures thereto shall be authenticated and verified as in this Charter provided, in relation to petitions for the submission of Charter amendments and ordinances to the electors.

If the petition shall be found to be sufficient, the Board of Election Commissioners shall transmit the same to the Board of Supervisors without delay, and attach thereto their certificate showing the result of said examination. The Board of Supervisors shall thereupon call a special election, fix the date for holding the same, which date shall be not less than thirty days nor more than forty days from the date of the reception of said petition and certificate from the Board of Election Commissioners.

The Board of Election Commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other municipal elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself; and unless he requests otherwise in writing, the Board of Election Commissioners shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office, upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That Section 12 of Chapter I of Article III of said Charter be amended to read as follows:

SECTION 12. In making the apportionment the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees, and other sources, but the income to pay the interest on the bonded indebtedness and to provide for the sinking funds shall always be provided for out of the tax on property, *provided*, that whenever any bonded indebtedness shall have been incurred for the acquisition of any of the public utilities

named in Article XII of this Charter, the surplus earnings of any such utility for the fiscal year may be applied upon the interest and sinking fund of the bonded indebtedness of such utility for the succeeding fiscal year.

That Section 21 of Chapter I, of Article VI, of said Charter be amended to read as follows:

**SECTION 21.** All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the board shall be signed by all the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the board, and the other, with said specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of the contract, the contractor shall execute to the City and County and deliver to the secretary of the board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the board, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on real property, not exempt from execution or subject to homestead claim, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be surety to the City and County, and, each surety shall justify and make an affidavit (for which a form shall be printed upon said bond) signed by him, that he is assessed upon the last assessment book of the City and County in his own name, for real property, in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time, but in no event shall the time for the performance of said contract be extended by the Supervisors more than 90 days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not thereafter pay or allow to him any further compensation for any work done by him under said contract; and in the case of the improvement of streets, where the work is to be paid for by assessment levied upon real property, no assessment shall be made for the work done under said contract.

Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time 75 per cent of the value of the labor done and materials furnished and used up to that time, and no contract shall provide for or authorize or permit the payment of more than 75 per cent of the contract price before the completion and acceptance by the proper officer or board of the work done under said contract.

That Section 2 of Article V of said Charter be amended to read as follows:

**SECTION 2.** The following officers shall respectively execute official bonds to the City and County, with sureties, in the following sums:

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, two hundred thousand dollars; Tax Collector, one hundred thousand dollars; Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each Supervisor, five thousand dollars; each School Director, five thousand dollars, each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; Property Clerk of Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

In all cases of elective officers, officers appointed by the Mayor, and officers whose bonds are fixed by the Charter, the premium or charge for such bonds shall be paid by the City and County; *provided, however,* that no premium or charge shall exceed one half of one per cent per annum on the amount of such bond.

That Section 8 of Chapter I of Article III, of said Charter be amended to read as follows:

**SECTION 8.** The Supervisors may appropriate \$100,000 a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this

appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors, and approved by the Mayor.

That three new sections be added to said Charter, to be known as Sections 14, 15 and 16 of Article XII thereof, to read as follows:

**SECTION 14.** The City and County shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

**SECTION 15.** The Supervisors shall have power, in the name and for the benefit of the City and County, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the City and County, or the inhabitants thereof.

**SECTION 16.** 1 Whenever any public utility shall be operated by the City and County, the receipts from such utility shall be paid daily into the city treasury and maintained in a special fund set aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

- (a) For the payment of the operating expenses of such utility;
- (b) For repairs and reconstruction;
- (c) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility;
- (d) For extensions and improvements;
- (e) For a reserve fund.

2 Whenever the reserve fund shall exceed one half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the general fund.

3 The City and County, when owning any public utility, shall keep the books of account for such public utility distinct from other City and County accounts and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City and County of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and in case of such municipal operation the amounts set aside for sinking fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe.

That Chapter 2, Article II of said Charter be amended by adding thereto a new section to be known and numbered as "Section 9," and to read as follows:

**SECTION 9.** The City and County of San Francisco shall have power to sell all lands owned by the City and County between Ninth street and Eighteenth street lying in what was formerly Mission Creek, and any and all lands that may be hereafter acquired, excepting lands for parks, squares and children's playgrounds, and the Board of Supervisors of said City and County may by ordinance determine that the public interest or necessity demands the sale of such lands, so owned or held by the City and County.

Such ordinance must describe the lands to be sold, and the terms of sale, which must be for cash in United States gold coin. The land may be sold in one parcel or in subdivisions, as the Supervisors may, in such ordinance, determine, and sales shall be made by the Mayor, as hereinafter provided.

Every such sale must be at public auction, unless the Supervisors shall, in and by such ordinance, determine that all or a portion of such lands shall be sold at private sale.

When a sale at public auction is to be had, the Clerk of the Board of Supervisors must give notice thereof by publishing the same in the official newspaper, and one other daily newspaper published in the City and County, at least three weeks successively next before the sale, which said notice shall describe the lands to be sold, with common certainty.

Such sales at public auction must be made in the City and County, and must be between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, and must be made on the day named in the notice of sale, unless the same is postponed.

When it shall have been determined by the Supervisors, as hereinbefore provided, that the sale of such lands shall be at private sale, a notice shall be published in the official newspaper, and one other daily newspaper published in the City and County, for two weeks successively next before the day on or after which the sale is to be made, and the land and tenements to be sold must be described therein with common certainty. The notice must state a day on or after which the sale will be made, and must state that all bids or offers will be received by the Mayor of the City and County, at his office. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and must be filed with the Mayor, at his office.

No sale of real estate at private sale shall be confirmed by the Supervisors as hereinafter provided, unless the sum offered shall be at least 90 per cent of the appraised value thereof, to be fixed and determined as next hereinafter provided.

An appraisement of such lands shall be made and filed with the Supervisors, within three weeks after the final passage of the ordinance hereinbefore mentioned, by the Mayor, the Assessor, and the chairman of the Finance Committee of the Supervisors, who are hereby constituted a board of appraisement for such purpose.

When a sale shall have been made by the Mayor, at public auction or at private sale, as hereinbefore provided, he shall require from the person to whom the property is sold a deposit amounting to 10 per cent of the sum bid. He shall immediately thereafter, at the next meeting of the Supervisors, report the fact of such sale to the Supervisors, with a statement of the sum bid, and the name of the bidder, with a request that the Board confirm such sale.

The Clerk of the Supervisors shall immediately thereupon give notice by publication in the official newspaper, and one other daily newspaper published in the City and County, that at a meeting of the Supervisors, to be held not less than twenty, nor more than thirty days, from the first publication of such notice, that such sale has been made, the amount for which the property has been sold, and the name of the purchaser. Such notice shall also contain a statement that at such meeting, if an offer of 10 per cent more in amount than that named in said notice shall be made to the Supervisors, in writing, by a responsible person, the Supervisors will confirm such sale to such person, or order a new sale, as hereinafter provided.

At such meeting, if it appears to the Supervisors that the sum bid is not disproportionate to the value of the property sold, and that a greater sum cannot be obtained, or if an increased bid, as hereinbefore mentioned, be made and accepted the Board of Supervisors may, by an ordinance, passed by an affirmative vote, of at least fifteen of its members, confirm such sale, and direct conveyances to be executed by the Mayor. A certified copy of such ordinance shall be recorded in the County Recorder's office in the County in which the property is situated.

The Board of Supervisors may, in its discretion, confirm or refuse to confirm any sale.

In the event of the refusal of the Board of Supervisors to confirm the sale, all proceedings taken as hereinbefore provided, for the sale of the lands shall be void and of no effect.

If the sale is confirmed by the Board of Supervisors, conveyances must thereupon be made by the Mayor to the person to whom the sale shall have been so confirmed, and shall be delivered to him upon payment of the balance of the purchase price. Such conveyances shall be in the name of the City and County, and shall be effective to convey all the right, title and interest of the City and County in and to the lands therein described, to the grantee therein named.

That Section 20 of Chapter III of Article VI of said Charter, providing for the change or modification of street grades, be repealed.

That a new Chapter be added to Article VI of said Charter, to be known and designated as Chapter VI of said Article, said Chapter to read as follows:

## CHAPTER VI.

### RELATING TO THE MODIFICATION OR CHANGE OF STREET GRADES AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

SECTION 1. The Board of Supervisors is hereby empowered, on the written recommendation of the Board of Public Works, to change or modify the grade of any public street, avenue, lane, alley, place or court to the grade set out in such recommendation, and to regrade, repave, sewer, sidewalk, curb or otherwise improve the same, so as to conform to such change or modified grade in the manner as hereinafter provided. Before any change of grade is attempted, the Board of Supervisors shall pass a resolution of intention to make such change or modification of grade, and it shall in the same resolution, when regrading, repaving, sidewalk, sewer, curbing or other improvement on such street or streets is contemplated in connection therewith, define and establish the district benefited and to be assessed for the payment of damages and for the expense of regrading, repaving, sewer, sidewalk, curbing, or otherwise improving such street or streets so as to conform with such change or modified grade; and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of

regrading, repaving, sewerage, sidewalking, curbing or otherwise improving such street or streets or portion or portions thereof with the same or other material with which it was formerly graded, paved, sewerage, sidewalked, curbed or otherwise improved, briefly describing the work to be done and providing that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such change or modified grade. When a change or modification of grade or grades is proposed to be made upon a street, avenue, alley, lane, court or place, which has already been sewerage, paved, curbed or graded, no such change or modification of such grade or grades shall be made unless provision shall also be made for the resewering, repaving, recurbage or regrading of such street, avenue, alley, lane, court or place. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published in the official newspaper. Such publication shall be made for ten days, and shall describe the proposed change or modification of grade, and when such resolution contemplates such work it shall describe the regrading, repaving, sewerage, sidewalking, curbing or other improvement so contemplated, and shall set forth and describe the district to be benefited by such change or modification of grade or regrading, repaving, sewerage, sidewalking, curbing or other improvement, and to be assessed for the damages and cost of making the same. Within ten days after the first publication of the resolution of intention the Board of Public Works shall cause to be conspicuously posted along all streets within the district defined in the resolution, or, when no such district is defined, along the street or streets upon which such change or modification of grade or grades is contemplated, notice of the passage of said resolution. Said notices shall be posted not more than one hundred feet apart and shall be headed "Notice of Grade Change" or "Notice of Grade Change and Street Work," as the case may be, in letters not less than two inches in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, the fact of the proposed grade change, and, if any, briefly the work or improvement proposed, and refer to the resolution for further particulars. When no improvements are provided for in connection with the said change or changes of grade or grades, if no protest of the owners of two-thirds of the property fronting on the street or streets, the grade or grades of which is to be changed or modified, shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of the resolution of intention heretofore mentioned the Board of Supervisors shall have power to declare such grade or grades to be changed or modified and established, in conformity with said resolution, and when such improvement or improvements are contemplated in connection with such change, or changes of grade or grades, if no protest of the owners of a majority of the superficial area of the property included within the assessment district defined in said resolution of intention shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of said resolution heretofore mentioned, the Board of Supervisors shall also have the power to order any of the work contemplated therein to be done, and such street or streets to be regraded, repaved, sewerage, sidewalked, curbed or otherwise improved in conformity therewith.

**SECTION 2.** In case the resolution of intention provides for regrading, repaving, sewerage, sidewalking, curbing or otherwise improving said street or streets, to said changed or modified grade, any person owning property fronting upon said portions of the street or streets where such street work is to be done, may file a petition with the Board of Public Works within sixty days after the first publication of said resolution of intention, showing the fact of such ownership, a description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioner or his agent. A failure so to petition shall be deemed and treated as a waiver of any claim for such damage or damages, and said resolution of intention shall so declare.

**SECTION 3.** Whenever such petition or petitions have been filed, the Board of Public Works shall estimate and assess the benefits, damages and costs of the proposed work or improvement upon each separate lot of land situated within such assessment district as said lot appears of record upon the last City and County assessment roll.

**SECTION 4.** The Board of Public Works shall have power to subpoena witnesses to appear before them to be examined under oath, which any member of the Board of Public Works is authorized to administer.

**SECTION 5.** The Board of Public Works having determined the damages which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvements.

**SECTION 6.** The Board of Public Works shall make their report in writing, and shall subscribe to and file the same with the Board of Supervisors. In such report they shall describe separately each piece of property which will sustain damage and for which damages have not been waived, stating the name of the owner, if known, and the amount of damages each will sustain over and above all benefits. They

shall also describe separately each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of the damages assessed against the same. In describing the lots to be assessed, reference may be had to a diagram of the property in such assessment district, such diagram to be attached to and made a part of the report of the Board of Public Works. If, in any case the Board of Public Works shall find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot of land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in designation of the owner or owners of any land or improvement or particulars of their interest, shall not affect the validity of the assessment.

SECTION 7. On the filing of said report, the Clerk of the Board of Supervisors shall give notice of such filing by the publication of a notice for at least ten days in the official newspaper. Said notice shall require all persons interested to show cause, if any they have, before the Board of Supervisors, on a day to be fixed by the said Board and stated in said notice, which day shall not be less than twenty days from the first publication thereof, why such report should not be confirmed.

SECTION 8. All objections filed in response to said notice to show cause shall be in writing and filed with the Clerk of the Board of Supervisors, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the Board of Supervisors, which shall fix a time not less than fifteen days thereafter for hearing the same, of which time the Clerk shall notify the objectors by notice published in the official newspaper for a period of five days and by depositing a notice, postage prepaid, in the United States postoffice at San Francisco, addressed to each objector at his last known place of residence, at least ten days before the date of such hearing. At the time set, or at such other time to which the hearing may be adjourned, the Board of Supervisors shall hear such objections and pass upon them, and at such time shall proceed to pass upon such report and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given and had, as in the case of the original report.

SECTION 9. After the report of the Board of Public Works as to the damages caused by such change of grade has been finally passed upon by the Board of Supervisors, such Board of Public Works shall prepare detailed plans and specifications subject to the approval of the Board of Supervisors, for regrading, paving, sewerage, sidewalking, curbing or otherwise improving such street or streets as set forth in said resolution of intention and shall then advertise for bids to perform the work of regrading, repaving, sewerage, sidewalking, curbing or otherwise improving such street or streets, as the case may be, with the same or other material with which the same have been formerly graded, paved, sewerage, sidewalked, curbed, or otherwise improved: first causing a notice, with such specifications to be posted conspicuously for fifteen days in or near the office of the Board of Public Works, inviting sealed proposals or bids for doing such work, and shall also cause notice of said work, inviting said proposals and referring to the specifications posted and already on file, to be published five days in the official newspaper. All proposals or bids offered shall be accompanied by a check payable to the order of the Clerk of the Board of Supervisors, and certified by a responsible bank for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all the statutory exemptions. Said proposals or bids shall be delivered to the Secretary of the Board of Public Works, and said Board of Public Works shall, in open session, examine and declare the same; *provided, however*, that no proposal or bid shall be received unless accompanied by a check or a bond satisfactory to the Board of Public Works. The Board of Public Works may reject any or all bids and may award the contract to the lowest responsible bidder, or may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided; all checks accompanying bids shall be held by the Secretary of the Board of Public Works until the successful bidder has entered into a contract as herein provided, and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into the said fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the advertising for proposals for such work. Before being entitled to a contract, the successful bidder must advance to the Secretary of the Board of Public Works, for payment by him, the cost of publication of the notices, resolutions, orders, or the incidental expenses and matters required under the proceedings described by this Chapter.

SECTION 10. After such contract has been awarded and entered into, the Board of Public Works shall proceed to assess the cost and expense of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same according to the benefits it receives from the work. The Board of Public Works in making such assessment shall also include therein the total amount for which each lot, or tract is

assessed for the damages resulting from the regrading, repaving, sewerage, sidewalk-ing, curbing or otherwise improving such street or streets; *provided*, no assessment for such damages and cost and the expense of such work shall be levied upon any property which will amount to a sum greater than 50 per centum of the value at which said property was assessed upon the last preceding assessment book of the City and County.

SECTION 11. The Secretary of the Board of Public Works shall forward to the Board of Supervisors a certified copy of the report and assessment as finally adopted by the Board of Public Works, whereupon such report and assessment shall be changed, modified or confirmed by the Board of Supervisors, and upon such modification, change, or confirmation thereof, shall be returned to the Board of Public Works and shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works, the assessment therein contained shall become due and payable and shall be a lien upon all the property contained or described therein.

SECTION 12. The Board of Public Works shall thereupon give notice by publication for ten days in the official newspaper, that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums are to be made to the Board of Public Works within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent; that thereafter the sum of five per cent upon the amount of said delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works, the Secretary thereof shall write the word "paid" and the date of payment opposite the respective assessments so paid, and the name of the person by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent and the Secretary of the said Board of Public Works shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Secretary of the Board of Public Works shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent and the whole thereof, including the cost of advertising, which shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed, in the same manner as is or may be provided for the publication of the delinquent list of State and County taxes; and after the date of said delinquency and before the time of such sale therein provided for, no assessments shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the cost of advertising already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of property affected thereby, shall be published daily for five days in the official newspaper, before the sale of property for such delinquent assessments. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of the Secretary of the Board of Public Works. All property sold shall be subject to redemption for one year and in the same manner as in sales for delinquent State and County taxes; and the Secretary of the Board of Public Works shall, if there be no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold and may collect for each certificate fifty cents, and for each deed one dollar. The deed of the Secretary of the Board of Public Works, made for such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and that all title is in the grantee. The Secretary of the Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by him, or by the Board of Public Works, on account of such assessments, which the City Treasurer shall, upon receipt thereof, place in a separate fund, designating each fund by the name of the street, avenue, square, lane, alley, court or place for the change of grade for which the assessment was made. And the City Treasurer shall transfer to said fund such sum or sums as the Supervisors may have ordered to be paid or advanced for or on account of such improvement out of that fund in the treasury of the City and County from which such appropriation is made. Payment shall be made from said fund to the parties entitled thereto, upon warrants issued by the Secretary of the Board of Public Works on order of said Board.

SECTION 13. When sufficient money is in the hands of the City Treasurer to pay the total cost for damages, as well as the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the Board of Public Works to notify the owner, possessor or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which may be received at the office of said Board of Public Works. Such notification may be made by depositing a notice, postage paid, in the United States Post Office, at San Francisco, addressed to his last known place of residence. If, after the expiration of three days from the service or deposit of the notice in the Post Office, he shall not have applied for such warrant, the same shall be drawn and deposited with the City Treasurer to be delivered to him upon demand.

SECTION 14. After the contractor to whom has been awarded the contract for regrading, repaving, sewerage, sidewalk, curbing, or otherwise improving such street or streets, has fulfilled his contract to the satisfaction of the Board of Public Works and the City Engineer has certified to the completion of said work, the Secretary of the Board of Public Works, on order of said Board, shall issue a warrant, payable out of said fund, in favor of such contractor in payment for such work.

SECTION 15. In case of a deficiency of the fund to pay the whole assessed cost and damages, the Board of Supervisors may in its discretion, order the balance thereof to be distributed by the Board of Public Works upon the property assessed, by a supplementary assessment, or direct the payment of such balance to be made from the City Treasury; but in the event that a supplementary assessment is ordered, in order to avoid delay, the Board of Supervisors may advance such balance out of any available fund in the Treasury and reimburse the same from the collection of assessments. The Treasurer shall pay such warrants in the order of their presentation.

SECTION 16. The Board of Supervisors may, in its discretion, order, by ordinance, that the whole or any part of the cost and expense of any of the work hereinbefore in this Chapter mentioned or the damages resulting therefrom, be paid out of the Treasury of the City and County from such fund as the Board of Supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the Board of Public Works, in making up the assessment heretofore provided for such cost or expense, shall first deduct from the whole cost and expense such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots and lands in said assessment district, or liable to be assessed for such work, and in the manner hereinbefore provided.

That the title of Chapter III of Article VI of said Charter be changed so as to read as follows:

### CHAPTER III.

#### OPENING, EXTENDING, WIDENING, STRAIGHTENING OR CLOSING UP OF STREETS AND THE CONDEMNATION AND ACQUISITION OF LAND AND PROPERTY NECESSARY THEREFOR AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

That Sections 1 to 19 inclusive of Chapter III of Article VI of said Charter providing for the opening, straightening, widening and extending of streets, be repealed.

That new sections be added to Chapter III of Article VI of the Charter, to be known and designated as Sections 1 to 19 inclusive of Chapter III of said article, and to read as follows:

SECTION 1. Whenever the public interest or convenience may require, the Supervisors shall have full power and authority to order the opening, extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court, or place within the City and County and to condemn and acquire any and all land and property necessary and convenient for that purpose.

SECTION 2. Before ordering any work to be done or improvement made, which is authorized by the preceding section, the Supervisors shall pass a resolution declaring their intention so to do, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the damages, costs and expenses thereof.

The Supervisors may, in and by said resolution, declare and determine that the whole cost and expense of such work or improvement, or any proportion thereof, shall be paid out of the revenues of the City and County.

SECTION 3. The Clerk of the Supervisors shall transmit to the Board of Public Works a certified copy of such resolution, and upon receipt thereof said Board of Public Works shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Public Work" in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and briefly the work of improvement proposed, and refer to the resolution for further particulars. Said Board shall also cause a notice, similar in substance, to be published for a period of ten days in the official newspaper.

SECTION 4. Any person interested objecting to said work or improvement, or to the extent of the district or lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the Supervisors, who shall endorse thereon the date of its reception by him, and at the next meeting of the Supervisors after the expiration of said ten days lay said objection before the Supervisors, who shall fix a time for hearing said objections, not less than one week thereafter. The Clerk of the Supervisors shall notify the



persons making such objections by depositing a notice thereof in the Postoffice, postage prepaid, addressed to such objector.

SECTION 5. At the time specified, or to which the hearing may be adjourned, the Supervisors shall hear the objections urged, and pass upon the same, and their decision shall be final and conclusive. If such objections are sustained all proceedings shall be stopped, but proceedings may again be commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the Supervisors, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed, during which objections to said work or improvement may be made, if no objections shall have been made, or if objections shall have been made, and the Supervisors, after hearing, shall have overruled the same, the Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which are authorized by Section 1 of this Chapter, and by resolution shall order said work to be done or improvement to be made, as the case may be.

SECTION 6. Upon the passage of said resolution the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works. Upon receipt of the same said Board of Public Works shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any member of said Board in relation thereto. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and, having determined the same, shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by Section 2 hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as said Board can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be. In case, however, the Supervisors shall have declared that the whole of such expense shall be paid out of the revenues of the City and County, then no such assessment shall be made, but the Board of Public Works shall, in such event, report to the Supervisors in detail an estimate of the value of the land to be taken, the damages to improvements and the amount of expenses incident to said work, and if the Supervisors shall approve such estimate they shall order the amount so fixed to be paid to the persons respectively entitled thereto, as in Section 15 hereof provided.

SECTION 7. Said Board of Public Works having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the Supervisors, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot or portion of lot, and its dimensions, so far as can be reasonably ascertained. Each block or lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the Supervisors, a copy of said plat, appropriately designated, shall be filed by the Clerk thereof in the office of the Recorder of the City and County.

SECTION 8. Said report shall specify each lot, subdivision or piece of property taken or injured in the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to said Board of Public Works, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

SECTION 9. If in any case the Board of Public Works find that conflicting claims of title exist, or if they shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any lot of land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

SECTION 10. Said report and plat shall be filed in the Clerk's office of the Supervisors, and thereupon the Clerk of said Board shall give notice of such filing by publication for at least ten days in the official newspaper. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the Supervisors on or before a day fixed by the Clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

SECTION 11. All objections shall be in writing, and filed with the Clerk of the Supervisors, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the Supervisors, who shall fix a time for hearing the same, of which the Clerk shall notify the objectors in the

same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the Supervisors shall hear such objections and pass upon the same; and at such time, or, if there be no objections, at the first meeting after the day set in said order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given, and hearing had, as in the case of an original report. If the Supervisors shall have determined that a certain proportion of the cost and expense of such work and improvement shall be paid out of the revenues of the City and County, they shall deduct such proportion from the total amount of the cost and expense thereof as finally fixed and determined in and by said assessment and report, and the amount of such proportion shall be paid out of any revenues appropriated for such purpose to the persons respectively entitled thereto, at the same time and in the same manner as in Section 15 hereof provided, and the balance shall be raised by assessment as hereinafter provided.

SECTION 12. The Clerk of the Supervisors shall forward to the Board of Public Works a certified copy of the report, assessment and plat, as finally confirmed and adopted by the Supervisors, with a statement of any deduction that may be made on account of payments made out of the revenues of the City and County, as in Section 11 provided. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

SECTION 13. The Board of Public Works shall thereupon give notice by publication in the official newspaper for ten days that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to said Board within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works it shall cause to be written the word "paid," and the date of payment, opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Board of Public Works shall certify such fact at the foot of said assessment roll and shall add five per cent to the amount of each assessment so delinquent.

SECTION 14. The said Board of Public Works shall, within five days after the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty (50) cents for each lot, piece or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes, and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published for five days in the official newspaper before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Board of Public Works. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the Board of Public Works may collect for each certificate fifty cents and for each deed one dollar. All provisions of the law, in reference to the same and redemption of property, for delinquent state and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certain certificates and execution of deeds. The deed of the Board of Public Works made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by it on account of any such assessments. The Treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvement of which the assessment was made. Payment shall be made from said fund to the parties entitled thereto, upon warrants signed by the members of the Board of Public Works, or a majority of them.

SECTION 15. When sufficient money is in the hands of the Treasurer, in the fund devoted to the particular work or improvement, to pay for the lands and improvements taken or damaged, and when in the discretion of the Board of Public Works

the time shall have come to make payments, it shall be the duty of said Board to notify the owner, possessor or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of said Board upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the Treasurer and shall be delivered to such owner, possessor or occupant upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

SECTION 16. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor as aforesaid, or objects to the report as to the necessity of taking his land, the Board of Public Works shall report such facts to the Supervisors, who shall thereupon cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the City and County, and have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and after judgment has been entered, or preceding an appeal, the court may order the Treasurer to set apart in the Treasury a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the City and County to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the Supervisors may, in their discretion, order the balance thereof to be paid out of the general fund of the treasury or to be distributed by the Board of Public Works over the property by a supplementary assessment; but in the last-named case, in order to avoid delay, the Supervisors may advance such balance out of any appropriate fund in the Treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

SECTION 17. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation, *provided*, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

SECTION 18. If after the sale of property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appears desirable, the Board of Public Works may so report to the Supervisors, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the Supervisors may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said City and County.

SECTION 19. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause the Supervisors may again institute proceedings to acquire the same as in this Chapter provided, or otherwise, or may authorize the Board of Public Works to purchase the same and include the cost thereof in a supplementary assessment, as provided in the last section.

That Section 5 of Article I of said Charter be amended to read as follows

SECTION 5. No recourse shall be had against the City and County for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment, nor shall there be any recourse against the City and County for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City and County for damage, to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein, but in any such case the person or persons on whom the law may have imposed the obligation to repair

such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that notice in writing of the existence of such defect shall have been served upon such person or persons, officer or officers, at least ten days before such damage shall have been sustained; *and provided, further*, that there are at such time funds available for repairing such defect.

That Subdivision 11 of Section 1 of Chapter III of Article VII of said Charter be amended to read as follows:

**SUBDIVISION 11.** To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding thirty-five years, any real property of the School Department not required for school purposes, but no lease shall be made except after advertisement for bids for at least sixty days in the official newspaper and one other daily newspaper of general circulation, published in the City and County, and by an affirmative vote of at least three members of the Board of Education and approved by an ordinance of the Board of Supervisors, passed by a vote of at least fifteen of its members, and approved by the Mayor; *and provided* that at the expiration of the term of said lease all buildings and improvements erected shall revert to and become the property of the School Department of the City and County.

That Subdivision 3, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

**SUBDIVISION 3.** To permit the laying down of spur or side tracks and running cars thereon for industrial purposes only, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with the Belt Line of railroads along the water front or other lines of railroad which now or may hereafter enter the City and County, subject to such regulations and conditions as may be prescribed from time to time by said Board of Supervisors: such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof, and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Board of Supervisors. All spur or side tracks laid down and in use on the first day of July, 1907, shall be deemed to have been laid down and to be in use by permission of the Board of Supervisors, subject to the provisions of this section.

That Subdivision 14, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

**SUBDIVISION 14.** To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the City and County, for the use of water, heat, light, power or telephonic service, supplied to the City and County, or to the inhabitants thereof, and to prescribe the quality of the service.

That Section 1 of Article XIV of said Charter be amended to read as follows:

**SECTION 1.** The lands designated upon the Map of the Outside Lands of the City and County, made pursuant to Order No. 800, by the word "Park," extending from Stanyan street to the Pacific Ocean, and known as Golden Gate Park; also the land fronting on Haight street, designated on said map by the word "Park," and known as Buena Vista Park; also the lands designated on said Map by the word "Avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "Great Highway", also Mountain Lake Park; also Seal Rocks, as ceded to the City and County of San Francisco by act of Congress; and all the other parks and squares in the City and County, and all the grounds surrounding public buildings in the City and County, and all parks and squares and public pleasure grounds hereafter acquired by the City and County, shall be under the exclusive management of a Board of Commissioners who shall be known and designated as Park Commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the Playground Commissioners.

That a new article be added to said Charter, to be known and numbered Article XIV-A, and to read as follows:

#### ARTICLE XIV-A.

##### PLAYGROUND COMMISSIONERS.

**SECTION 1.** All children's playgrounds now owned by the City and County, and all children's playgrounds that shall hereafter be acquired by the City and County, and all public recreation centers, other than those located in Golden Gate Park, shall be under the management and control of a Board of Commissioners, which shall

consist of men and women, and shall be known and designated as the Playground Commissioners. No person shall be appointed such Commissioner who shall not be at the time of his or her appointment a resident of the City and County, and who shall not have been such at least five years prior thereto.

SECTION 2. The Commissioners shall be seven in number, five of whom shall be appointed by the Mayor for the term of four years. Three of the members appointed by the Mayor shall be men and two of them shall be women. The President of the Board of Education shall be ex-officio the sixth member of the Commission, and either the President of the Park Commissioners or the Superintendent of Golden Gate Park, as the Park Commissioners in writing may appoint, shall be ex-officio the seventh member. The Park Commissioners may at any time, by resolution served upon the Playground Commissioners, change their ex-officio member of said Commission, *provided* that such ex-officio member be always either their President or said Superintendent. None of said Commissioners shall receive any compensation for his or her services.

SECTION 3. The Commissioners shall organize by electing one of their number President, who shall hold office for one year or until his or her successor is elected, and they may elect a Secretary who is not a member of the Board.

A majority of the members shall constitute a quorum for the transaction of business. The Board shall hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employes, and shall require adequate bonds from all its officers and employes, except laborers, for the faithful performance of their duties, and in such sums as may be fixed by it, such bonds shall be approved by the Mayor and filed in the office of the Auditor.

SECTION 4. The Commissioners shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinances of the City and County of San Francisco, the laws of the State of California or with this Charter.

SECTION 5. The Commissioners shall have complete and exclusive control, management and direction of the aforesaid playgrounds and recreation centers and the exclusive right to erect and to superintend the erection of buildings and structures thereon, and to that end they may employ superintendents, surveyors, engineers, laborers and other employes and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support and equipment of the aforesaid playgrounds and recreation centers, *provided*, that such management of any real or personal property or moneys acquired by loan, gift, devise or bequest, is not inconsistent with the terms and conditions of the loan, gift, devise, or bequest. The Commissioners may purchase in the name of the City and County of San Francisco lands to be used as children's playgrounds and recreation centers, with any moneys legally appropriated for such purpose or acquired by gift, legacy or bequest for such purpose.

SECTION 6. The Board may receive donations from persons and corporations, and legacies and bequests for the purchase, improvement and equipment of playgrounds and recreation centers. All moneys that may be derived from such donations, legacies and bequests shall, unless otherwise provided by the terms of such gift, donation, legacy or bequest, be deposited in the treasury of the City and County to the account of the Playground Fund of the General Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds and recreation centers. If such moneys shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds or recreation centers the Board may invest all or part of the same in interest-bearing bonds of the United States, or the State of California or of any municipality therein.

SECTION 7. The Chief of Police shall on request of the Commissioners detail such members of the Police Force of the City and County for service in said playgrounds and recreation centers as may be necessary for the enforcement of the law and the city ordinances and the proper observance of the rules and regulations of the Commissioners.

SECTION 8. The Supervisors shall have the power to set apart either absolutely or for a definite period of time any land, not improved with any public buildings belonging to the City and County other than land under the exclusive control and management of the Park Commissioners, and land acquired by the issue of bonds for other specific purpose, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be under the exclusive control and management of the Playground Commissioners.

SECTION 9. The Park Commissioners shall have power to set apart either absolutely or for a definite period of time such parks and squares or portions thereof as they may see proper, other than Golden Gate Park and the Mission Park, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be, to the extent of that use, under the exclusive control and management of the Playground Commissioners.

SECTION 10. The Supervisors shall, for the purchase, development, equipment and maintenance of the aforesaid playgrounds and recreation centers, annually appropriate to the Playground Commissioners at the time of making the Budget such amount as may in their judgment be necessary or proper, and the funds so appropriated shall be credited to the Playground Fund of the General Fund, and the Playground Commissioners shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Commissioners. The votes of all its members shall be recorded in the minutes with the ayes and noes.

That Section 1 of Article X of said Charter be amended to read as follows

SECTION 1. There shall be a Department of Public Health under the management of a Board of Health. The board shall consist of seven members, all of whom shall be appointed by the Mayor, and three only of whom shall be physicians. Said physicians shall be regularly certificated physicians of the City and County at the time of their appointment, and must have been such for at least five years next preceding their appointment. The members of the board shall serve without compensation. They shall elect one of their members president, and shall adopt such rules and regulations as may be necessary for the government of the board.

That Section 2 of Article X thereof be amended to read as follows:

SECTION 2. The appointed members of the board, excepting those first appointed, shall hold office for seven years. Those first appointed under this Charter shall so classify themselves by lot that one of them shall go out of office at the end of one year, one at the end of two years, one at the end of three years; one at the end of four years, one at the end of five years; one at the end of six years; and one at the end of seven years.

Within 30 days after the ratification of this amendment by the Legislature of the State of California, the offices of the then incumbent members of the Board of Health shall become vacant, and the Mayor shall thereupon proceed to appoint a Board of Health pursuant to the provisions of the preceding section.

That Sections 2 and 3 of Chapter IX of Article IX of said Charter be amended to read as follows:

SECTION 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled Electrician, and who shall have general supervision of the Department of Electricity. He shall receive a salary of \$3000 per annum.

SECTION 3. The Joint Commission may appoint such assistants and other employes as may be necessary to efficiently maintain, extend and repair the Department of Electricity at all times. All appointments shall be made subject to the provisions of Article XIII hereof. The number and compensation of all such assistants and other employes of the Department of Electricity shall be fixed annually by the Supervisors, but no compensation to any of such persons shall be greater than is paid in similar employments. Any person who, under a classification of positions by the Civil Service Commission, has been appointed in conformity with Article XIII of this Charter and who has served the probation period required by said Article is hereby declared appointed within the provisions of the Article XIII to said position so classified.

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO } ss

This is to certify that we, Edward R. Taylor, Mayor of the City and County of San Francisco, and John E. Behan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals submitting the same to the electors of said City and County at a General Municipal Election held on Tuesday, the Fifth day of November One Thousand Nine Hundred and Seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City and County of San Francisco, this 20th day of November One Thousand Nine Hundred and Seven.

EDWARD R. TAYLOR  
Mayor of the City and County of San Francisco.

[SEAL.]

JOHN E. BEHAN  
Clerk of the Board of Supervisors of  
the City and County of San Francisco.

Now, therefore be it

*Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County and as hereinbefore fully set forth, be and the same are, and each of*

them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Senate Concurrent Resolution No. 1 read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—72.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Senate.

#### APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced that he had appointed Messrs. Hartmann, Held, and Bishop a committee to notify the Governor that the Assembly had convened and was ready to receive any message he might wish to convey to it.

#### RESOLUTIONS—(RESUMED).

By Mr. Estudillo:

##### ASSEMBLY CONCURRENT RESOLUTION NO. 1.

*Resolved by the Assembly, the Senate concurring,* That the two houses of the Legislature adjourn *sine die* at 2.30 o'clock P. M., on Saturday, November 23, 1907.

Assembly Concurrent Resolution No. 1 read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spalding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Senate.

By Mr. Otis.

*Resolved,* That a committee of three be appointed by the Speaker to wait upon His Excellency, James N. Gillett, and notify him that the Assembly has concluded its labors under the call for an extraordinary session of the Legislature for November 23, 1907, and that this body awaits his further pleasure.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution he appointed Messrs. Otis, McConnell, and Pyle as such committee.

By Mr. Chandler:

*Resolved,* That a committee of three be appointed by the Speaker to inform the Senate that the Assembly has concluded its labors and that we await the further pleasure of the Senate.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution

he appointed Messrs. Chandler, Case, and Johnson of San Diego as such committee.

REPORT OF SELECT COMMITTEE.

The committee to wait upon the Governor to notify him that the Assembly had convened, appeared before the bar of the Assembly and reported that they had carried out the instructions of the Assembly and that the Governor had informed them that he had no message to deliver to the Assembly.

RESOLUTIONS—(RESUMED).

By Mr. Stanton:

*Resolved*, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payments to members, officers, and attachés of the Assembly.

Resolution read, and on motion adopted.

REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor, relative to adjournment, appeared before the bar of the House and reported that they had carried out the instructions of the Assembly, and that the Governor had no further communication to make to the Assembly and wished to congratulate the Assembly upon the speedy and economic way in which the Assembly had concluded its labors.

COMMITTEE FROM THE SENATE.

A committee from the Senate, comprising Senators Anthony, Caminetti, and Cartwright, appeared before the bar of the Assembly and reported that the Senate was ready to adjourn, and asked if the Assembly had any further communication to make to the Senate.

The Speaker stated that the Assembly would communicate with the Senate through its committee.

RESOLUTIONS—(RESUMED).

By Mr. Thompson of Los Angeles:

*Resolved*, That a committee of three be appointed by the Speaker of the Assembly to wait upon the Senate and inform that body that the Assembly is now ready to adjourn *sine die*.

Resolution read, and on motion adopted.

In accordance with the above resolution, the Speaker appointed Messrs. Thompson of Los Angeles, Root, and Eshleman as such committee.

SENATE MESSAGE.

The following Senate message was received and read:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 1 ordered to enrollment.



## REPORT OF SELECT COMMITTEE.

The committee to wait upon the Senate appeared before the bar of the Assembly and reported that they had carried out the instructions of the Assembly, and that the Senate had no further communication to make to the Assembly.

## REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

## ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly enrolled.

Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

HANS, Chairman.

## READING AND APPROVAL OF MINUTES.

The minutes of Saturday, November 23, 1907, were read, and on motion of Mr. Transue approved.

## ADJOURNMENT.

At two o'clock and thirty minutes P. M., of Saturday, November 23, 1907, the Hon. R. L. Beardslee, Speaker of the Assembly, announced that the time for final adjournment of the second extra session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

R. L. BEARDSLEE,

Speaker of the Assembly.

J. P. TRANSUE,

Speaker pro tem. of the Assembly.

CLIO LLOYD,

Chief Clerk of the Assembly.

H. A. HARPER,

Minute Clerk of the Assembly.

R. L. DEMPSEY,

Journal Clerk of the Assembly.